

REFERENCE TITLE: **rape victims; pregnancy prevention**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2685

Introduced by
Representatives Lopez, Bradley, Hershberger, Saradnik, Sinema, Senators
Aboud, Allen, Burton Cahill, Garcia, Landrum Taylor: Representatives
Ableser, Alvarez, Cajero Bedford, Campbell CH, Campbell CL, DeSimone,
Garcia M, Lujan, McGuire, Meza, Miranda B, Pancrazi, Prezelski, Schapira,
Senators Rios, Soltero

AN ACT

**AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING
SECTION 32-3213; RELATING TO HEALTH PROFESSIONALS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 32, article 1, Arizona Revised Statutes,
3 is amended by adding section 32-3213, to read:

4 32-3213. Rape victims; pregnancy prevention; definitions

5 A. A HEALTH PROFESSIONAL WHO PROVIDES CARE TO A FEMALE PATIENT OF
6 REPRODUCTIVE AGE WHO STATES THAT SHE IS THE VICTIM OF RAPE AT A MINIMUM MUST:

7 1. PROVIDE THE PATIENT WITH MEDICAL INFORMATION ABOUT EMERGENCY
8 CONTRACEPTION.

9 2. ORALLY INFORM THE PATIENT THAT THE HEALTH PROFESSIONAL WILL PROVIDE
10 OR PRESCRIBE EMERGENCY CONTRACEPTION ON THE REQUEST OF THE PATIENT.

11 3. PROVIDE OR PRESCRIBE EMERGENCY CONTRACEPTION ON REQUEST OF THE
12 PATIENT. IF THE HEALTH PROFESSIONAL PROVIDES AN EMERGENCY CONTRACEPTION
13 DRUG, THE HEALTH PROFESSIONAL MUST PROVIDE THE PATIENT WITH AN INITIAL DOSE
14 AND ANY FOLLOW-UP DOSES THAT THE PATIENT CAN SELF-ADMINISTER OR PRESCRIBE THE
15 ENTIRE COURSE OF TREATMENT.

16 B. THIS SECTION MAY BE SATISFIED BY REFERRING THE PATIENT TO ANOTHER
17 PROVIDER FOR FORENSIC MEDICAL CARE AND EMERGENCY CONTRACEPTION.

18 C. A HEALTH CARE PROVIDER WHOSE RELIGIOUS TENETS PROHIBIT THE USE OF
19 CONTRACEPTIVE METHODS MAY SATISFY THE REQUIREMENTS OF THIS SECTION BY
20 IMMEDIATELY REFERRING THE PATIENT TO ANOTHER HEALTH CARE PROVIDER WHO IS
21 IMMEDIATELY AVAILABLE AND WHO WILL COMPLY WITH THE REQUIREMENTS OF THIS
22 SECTION.

23 D. FOR THE PURPOSES OF THIS SECTION:

24 1. "CARE" MEANS MEDICAL EXAMINATIONS, PROCEDURES AND SERVICES PROVIDED
25 WITHIN SEVENTY-TWO HOURS AFTER THE RAPE.

26 2. "EMERGENCY CONTRACEPTION" MEANS A DRUG OR DEVICE THAT PREVENTS
27 PREGNANCY AFTER SEXUAL INTERCOURSE.

28 3. "HEALTH PROFESSIONAL" MEANS A PERSON WHO IS LICENSED TO PRESCRIBE
29 MEDICATION PURSUANT TO CHAPTER 13, 15, 17, 25 OR 29 OF THIS TITLE.

30 4. "NONCONSENSUAL" MEANS:

31 (a) THE PATIENT WAS COERCED BY THE IMMEDIATE USE OR THREATENED USE OF
32 FORCE AGAINST THE PATIENT.

33 (b) THE PATIENT WAS INCAPABLE OF CONSENT BY REASON OF MENTAL DISORDER,
34 MENTAL DEFECT, DRUGS, ALCOHOL, SLEEP OR ANY OTHER SIMILAR IMPAIRMENT OF
35 COGNITION AND THE CONDITION IS KNOWN OR SHOULD HAVE REASONABLY BEEN KNOWN TO
36 THE PERPETRATOR OF THE RAPE. FOR THE PURPOSES OF THIS SUBDIVISION, "MENTAL
37 DEFECT" MEANS THE PATIENT IS UNABLE TO COMPREHEND THE DISTINCTLY SEXUAL
38 NATURE OF THE CONDUCT OR IS INCAPABLE OF UNDERSTANDING OR EXERCISING THE
39 RIGHT TO REFUSE TO ENGAGE IN THE CONDUCT WITH ANOTHER.

40 5. "RAPE" MEANS NONCONSENSUAL SEXUAL INTERCOURSE INVOLVING PENETRATION
41 OF THE VULVA.